IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.224 OF 2007

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri A.G.Toraskar for the Applicants.

CORAM : ABHAY S.OKA, J.
DATED : MAY 04, 2007.

P.C.:

1. Heard learned Advocate for the revision Applicants. The revision Applicants are the original Plaintiffs.

2. The Applicants- Decree holders have obtained possession of the suit premises by executing the decree.

3. An Application was made by the second Respondent under Order XXI Rule 99 of the Code of Civil Procedure, 1908 (hereinafter referred to as the said Code) before the Court of Small Causes. The said Application was rejected. The second Respondent preferred an Appeal. By the order impugned dated 09th February, 2007, the Appeal

Bench of the Court of Small Causes has set aside the order of the trial Court and has directed the trial Court to make an adjudication on Application under Rule 99 of Order XXI read with Rule 101 of the said Code.

4. The grievance of the second Respondent is that he is not the judgment debtor and he has been dispossessed in the execution of decree for possession obtained by the revision Applicants. There is no error in the direction issued by the Appeal Bench to the trial Court to decide the proceedings in accordance with law as rights of the second Respondent are required to be adjudicated upon in the said proceedings. There is no error in the impugned order. Revision Application is rejected. All questions on merits are kept open.

JUDGE